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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MCDERMOTT, KEVIN

ART UNIT PAPER NUMBER

3635

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,999

Applicant(s)

CAMPBELL, H. FRED

Examiner

Kevin McDermott

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bourne in view of Randa and further in view of Macklin.

Bourne discloses in figure 7 and in column 3, lines 41-52, a reservoir 24 defined by a waterproof membrane 22 and edges 30 for containing a liquid, preferably water, to a depth of preferably 3.5 inches. The waterproof membrane 22 extends from edge to edge and seals the roof deck to prevent leakage of water into the structure. The waterproof membrane 22 is a generally flat, horizontal, upwardly facing surface surrounded by a border frame. The edge 30 is the claimed border frame. Column 4, lines 38-40 disclose the liquid being cooled by evaporation.

However, Bourne does not disclose using a plurality of spaced apart columns disposed on respective footings with column supports, wherein each column support comprises a vertically adjustable leveling plate, a plurality of anchor bolts embedded in concrete, and two sets of nuts, all arranged so that adjusting the columns also levels the roof surface.

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Randa discloses in figure 1 and in column 3, lines 60-65, and in column 4, lines 29-33, a plurality of spaced apart footings 21 and a plurality of columns 31, 33 disposed on the footings 21. Randa also discloses the columns 31, 33 supporting the roof.

Macklin discloses in figure 1 and in column 2, lines 23-40, an interior column 10 connected to a slab 12 by means of anchor bolt assemblies 14. The column 10 has conventional base plate 16 attached to the bottom thereof with flanges 18 extending to the sides of the column 10. Bores are provided in the flanges 18 for receiving the anchor bolt assemblies 14 therethrough. The anchor bolt assemblies 14 each comprises an L-shaped anchor bolt 20 having threads on one end thereof with upper and lower lock nuts 22 engaging the threads.

The column 10 is attached to the slab 12 by inserting the bores in plate 16 over the ends of the bolts 20 to abut lower lock nuts 22 and thereafter, threading upper lock nuts 22 on top of the plate. The lower and upper lock nuts 22 can then be adjusted to level and position the column 10 as desired.

The base plate 16 is the claimed vertically adjustable column-supporting leveling plate disposed above the footings and the anchor bolt assemblies 14 are the claimed plurality of bolts having lower portions embedded in, and vertical upper portions projecting above, the slab/footing 12. The upper and lower lock nuts 22 are the claimed second nuts and first nuts, respectively. The lower lock nuts 22 support the plate 16 and the second lock nuts 22 are threaded on upper portions of the assemblies 14 and clamp the plates 16 down on the lower nuts 22.

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Leveling and positioning the building columns 10 inherently effects the horizontal orientation of the building roof and floors.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to support and level/adjust the roof of Bourne using a plurality of spaced apart columns disposed on respective footings with column supports, wherein the column supports comprise a vertically adjustable leveling plate, a plurality of anchor bolts embedded in concrete, and two sets of nuts, all arranged so that adjusting the columns also levels the roof surface.

One of ordinary skill would be motivated to make such modifications so that the structure of Bourne can be easily erected and so that the columns, floors and roofs can be adjusted as desired.

Response to Arguments

Applicant's arguments with respect to claim 11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kevin McDermott, whose telephone number is 703-308-8266.



KM 12/12/03

**BRIAN E. GLESSNER
PATENT EXAMINER**